

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RAY ROWLAND,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 13-2040-JPM/tmp
)	
CITY OF MEMPHIS, TENNESSEE,)	
et al.,)	
)	
Defendants.)	
)	

REPORT AND RECOMMENDATION

On December 14, 2012, plaintiff Ray Rowland filed a complaint in the Circuit Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis, against the City of Memphis, Police Director Toney Armstrong, and several Memphis Police Officers. On January 22, 2013, the case was removed to this court pursuant to 28 U.S.C. §§ 1441 and 1446. Subsequently, plaintiff and defendant Officer Sam Blue appeared for the scheduling conference and signed forms consenting to the jurisdiction of the Magistrate Judge. As of the date of the scheduling conference, the three other defendant-officers (Officers Joseph Benya, Robert Tutt, and Mahajj Abdul-Baaqee) had not been served. On August 1, 2013, the undersigned conducted a telephone conference with the parties. At that time, plaintiff stated that he would file a motion requesting additional time to serve the three remaining officers. However, no

motion for extension of time was filed. On December 17, 2013, the parties appeared for oral argument on Officer Sam Blue's Motion to Dismiss. At that time, the court informed the parties that because the three remaining officers have not been served within 120 days after the filing of the complaint, and because there does not appear to be good cause to extend the time to effect service, these officers should be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m). Plaintiff stated he had no objection to dismissing these defendants without prejudice.

Therefore, it is recommended that Officers Joseph Benay, Robert Tutt, and Mahajj Abdul-Baaqee be dismissed without prejudice pursuant to Rule 4(m).

Respectfully submitted,

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

December 17, 2013
Date

NOTICE

WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT AND RECOMMENDED DISPOSITION, A PARTY MAY SERVE AND FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS. A PARTY MAY RESPOND TO ANOTHER PARTY'S OBJECTIONS WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY. FED. R. CIV. P. 72(b)(2). FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.